

**JOE WARDY**  
MAYOR

**JOYCE WILSON**  
CITY MANAGER



## **CITY COUNCIL**

**SUSAN AUSTIN**  
DISTRICT NO. 1

**ROBERT A. CUSHING, JR.**  
DISTRICT NO. 2

**JOSE ALEXANDRO LOZANO**  
DISTRICT NO. 3

**JOHN F. COOK**  
DISTRICT NO. 4

**PRESI ORTEGA, JR.**  
DISTRICT NO. 5

**PAUL J. ESCOBAR**  
DISTRICT NO. 6

**VIVIAN ROJAS**  
DISTRICT NO. 7

**ANTHONY W. COBOS**  
DISTRICT NO. 8

### **PROPOSED AGENDA FOR REGULAR COUNCIL MEETING, COUNCIL CHAMBERS JANUARY 11, 2005 9:00 A.M.**

#### **ROLL CALL**

Invocation – Police Chaplain Carlos Flores  
Pledge of Allegiance

#### **REGULAR AGENDA**

1. Discussion and action that the City of El Paso be more responsive upholding any and all ordinances regarding contaminated waste-illegal dumping in open areas and landfills in order to ensure the health of citizens whom live in or near proximity of such dumpsites or coming in contact with contaminated waste. These sites become future homes or playgrounds with questionable pasts! (11510 Cheryl Ladd) [Robert L. Barragan]

#### **MAYOR'S PROCLAMATION**

#### ***4<sup>TH</sup> ANNUAL LEAH O'BRIEN-AMICO'S SOFTBALL WEEKEND***

#### **NOTICE TO THE PUBLIC**

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members or persons in the audience. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting.

#### **CONSENT AGENDA**

2. **APPROVAL OF MINUTES:** [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

Approval of Minutes for the Regular City Council Meetings of April 22 and 29, 2003; May 27, 2003; and January 4, 2005.

3. **REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**

**4. RESOLUTIONS:**

- 4A.** That the Mayor be authorized to sign an Agreement for Architectural Services by and between the **CITY OF EL PASO** and **ALVIDREZ ARCHITECTURE, INC.**, for a project known as “**Memorial Park Branch Library**”, in an amount not to exceed THIRTY-SIX THOUSAND FOUR HUNDRED AND NO/100 DOLLARS (\$36,400.00). Funding source - 14200408/PBE04L10229167/508016  
**(District 2)** [Engineering Department, Irene Ramirez, (915) 541-4431]
- 4B.** That the Engineering Department be authorized to establish and implement appropriate traffic management programs on City streets under the guidelines contained in the “Guidelines for the Implementation of a Neighborhood Traffic Management Program”, attached as Exhibit “A”, and That the authorization to establish and implement appropriate procedures for the placement of speed humps on the City’s streets under general guidelines approved by City Council on Oct. 29, 2002, is hereby rescinded. **(All Districts)**  
[Engineering Department, Rick Conner, (915) 541-4200]
- 4C.** That Annex U, “Legal,” for the El Paso City-County Emergency Operations Plan is hereby approved and the Mayor is authorized to sign it.  
[Fire Department, Chief Roberto Rivera, (915) 771-1000]
- 4D.** That the Keystone Wetlands Tree Project (“Project”) is in the public interest and should be executed pursuant to the proposed project scope (Exhibit B), with contributions of funds, materials and labor for the project solicited by the El Paso Green Sweep Committee; and that the Streets Director be authorized to negotiate, the City Attorney’s Office be authorized to prepare, and the Mayor or his designee be authorized to sign, all documents necessary to complete the Project, including but not limited to donation agreements for materials, labor and maintenance; and that the Project be completed at no cost to the City of El Paso. Funding Source: FY05 General Funds Account.  
[Mayor’s Office, Adrian Ocegueda, (915) 541-4145]
- 4E.** That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **THOMAS M. DOYLE**, to assist the Office of Management and Budget as a Senior Grants Coordinator, at a biweekly rate of \$2,575.00, for 40 hours per week. The term of the contract shall be for the period of January 22, 2005 through January 21, 2006. This contract is subject to the concurrence of the Civil Service Commission.  
[Office of Management and Budget, David Almonte, (915) 541-4011]
- 4F.** That the Mayor be authorized to sign a Management Agreement between the City of El Paso and the El Paso Police Foundation defining their respective rights and responsibilities with respect to the Police Department.  
[Police Department, Assistant Chief Paul Cross, (915) 564-7310]

- 4G.** That the Mayor, through the Chief of Police be authorized to submit an on-line grant application completed by the El Paso Police Department authorizing the Mayor to sign any related paperwork, including all understandings and assurances contained therein, and apply for, accept, reject, alter or terminate the grant and authorize budget transfers, from the U.S. Department of Justice, Office on Violence Against Women, for a grant under the Arrest Policies and Enforcement of Protection Orders Grant Program in the amount of \$750,000 over two years to pay for personnel and related costs for the purpose of creating a centralized Domestic Violence Unit; and that the Mayor be authorized to sign a Memorandum of Understanding between the City of El Paso, the Center Against Family Violence, the District Attorney's Office for the purpose of implementing the grant program. Matching funds are not required.  
[Police Department, Assistant Chief Paul Cross, (915) 564-7310]

- 4H.** That \$800,000 of available proceeds from the Tax Increment Finance Fund of the abolished Tax Increment Finance District No. 1 be authorized for budget transfer to the Main Library Expansion Project of the 2004 Quality of Life Bond Election; that such amount be allocated to the Project as follows: \$250,000 for Additional Project Contingency, \$300,000 for Furniture, and \$250,000 for Computer/Network Equipment; and that the City Manager be authorized to sign on behalf of the City of El Paso all documents required to effectuate such transfer and expenditure. Tax Increment Funding was budgeted from account #72509501/507001 to account #72509501/407001.  
[Quality of Life Services, Deborah Hamlyn, (915) 541-4686]

- 4I.** That the Mayor be authorized to sign a release of lien on the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this solid waste management lien for:

	<u>Lien</u>	<u>Interest</u>	<u>Total Paid</u>
1703 Janet Coles Lane	\$168.87	\$ 6.92	\$175.79

**(District 5)** [Solid Waste Management, Ellen A. Smyth, (915) 621-6719]

- 4J.** That the Solid Waste Management Department be authorized to terminate for Notice the separate Recycling Agreements between the City of El Paso and:
- 1.** Alameda Thrift Pharmacy dated September 24, 2002 pursuant to the provisions and requirements of Section 10, Termination Clause. The termination shall be effective as of December 27, 2004. **(District 3)**  
[Solid Waste Management, Ellen A. Smyth, (915) 621-6719]
  - 2.** Asset Real Estates Services, LLC dated August 12, 2003 pursuant to the provisions and requirements of Section 10, Termination Clause. The termination shall be effective as of December 27, 2004. **(District 7)**  
[Solid Waste Management, Ellen A. Smyth, (915) 621-6719]

3. Choicepoint Precision Marketing dated March 23, 2004 pursuant to the provisions and requirements of Section 10, Termination Clause. The termination shall be effective as of December 27, 2004. **(District 8)**  
[Solid Waste Management, Ellen A. Smyth, (915) 621-6719]
4. Ysleta Independent School District for Desert View Middle School dated August 12, 2003 pursuant to the provisions and requirements of Section 10, Termination Clause. The termination shall be effective as of December 27, 2004. **(District 6)**  
[Solid Waste Management, Ellen A. Smyth, (915) 621-6719]
5. Highlands Regional Rehabilitation Hospital dated February 25, 2003 pursuant to the provisions and requirements of Section 10, Termination Clause. The termination shall be effective as of December 27, 2004. **(District 7)** [Solid Waste Management, Ellen A. Smyth, (915) 621-6719]
6. International Copy Machine Center dated March 17, 1998 pursuant to the provisions and requirements of Section 10, Termination Clause. The termination shall be effective as of December 27, 2004. **(District 5)**  
[Solid Waste Management, Ellen A. Smyth, (915) 621-6719]
7. JTS Car Wash dated October 14, 2003 pursuant to the provisions and requirements of Section 10, Termination Clause. The termination shall be effective as of December 27, 2004. **(District 3)**  
[Solid Waste Management, Ellen A. Smyth, (915) 621-6719]
8. KRONE, Inc. dated March 19, 2002 pursuant to the provisions and requirements of Section 10, Termination Clause. The termination shall be effective as of December 27, 2004. **(District 6)**  
[Solid Waste Management, Ellen A. Smyth, (915) 621-6719]
9. La Posada Home, Inc. dated June 15, 2004 pursuant to the provisions and requirements of Section 10, Termination Clause. The termination shall be effective as of December 27, 2004. **(District 8)**  
[Solid Waste Management, Ellen A. Smyth, (915) 621-6719]
10. Ysleta Independent School District for Lancaster Elementary School dated August 12, 2003 pursuant to the provisions and requirements of Section 10, Termination Clause. The termination shall be effective as of December 27, 2004. **(District 6)**  
[Solid Waste Management, Ellen A. Smyth, (915) 621-6719]
11. Rio Grande/Rio Bravo Basin Coalition (Coalicion de Cuenca del Rio Bravo/Rio Grande) dated November 20, 2001 pursuant to the provisions and requirements of Section 10, Termination Clause. The termination shall be effective as of December 27, 2004. **(District 8)**  
[Solid Waste Management, Ellen A. Smyth, (915) 621-6719]
12. Rudolph Honda, Inc. dated November 20, 2001 pursuant to the provisions and requirements of Section 10, Termination Clause. The termination shall be effective as of December 27, 2004. **(District 1)**  
[Solid Waste Management, Ellen A. Smyth, (915) 621-6719]

13. Stewart Title of El Paso dated July 16, 2002 pursuant to the provisions and requirements of Section 10, Termination Clause. The termination shall be effective as of December 27, 2004. **(District 4)**  
[Solid Waste Management, Ellen A. Smyth, (915) 621-6719]
  14. Thomas Manor Elementary School dated September 30, 2003 pursuant to the provisions and requirements of Section 10, Termination Clause. The termination shall be effective as of December 27, 2004. **(District 7)**  
[Solid Waste Management, Ellen A. Smyth, (915) 621-6719]
  15. Anaya-Guerrero Investments Corp. d/b/a Tony Roma's Restaurant dated August 20, 2002 pursuant to the provisions and requirements of Section 10, Termination Clause. The termination shall be effective as of December 27, 2004. **(District 8)**  
[Solid Waste Management, Ellen A. Smyth, (915) 621-6719]
5. Request for provisional appointment in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:
- Fleet Maintenance Chief (1)  
Fund Source: 37370155-45202-37000  
[Fleet Services, Jeff Belles, (915) 621-6821]
6. **STAFFING TABLE CHANGE:**
- Office of Management and Budget
- Add                    1.00                    Public Information Clerk                    GS12  
Fund Source: 01101-04010020-501000-04000  
[Office of Management and Budget, David Almonte, (915) 541-4011]
7. Appointment of Jennifer Farleo Callan as Assistant City Attorney effective January 18, 2005. [City Attorney's Office, Lisa A. Elizondo, (915) 541-4550]
8. **BOARD RE-APPOINTMENT:**
- Amy Schoemaker to the El Paso Mountain Committee by Representative Vivian Rojas, District 7. [Representative Vivian Rojas, (915) 541-4108]
9. Request that the following installment agreements for **AD VALOREM** taxes be approved in the amount shown and that the Mayor be authorized to sign the payment agreements on behalf of the City: [Tax Office, Juan Sandoval, (915) 541-4369]
- 9A. PID #F607-999-0600-1300, \$204.28 per month installments on a balance of \$2,451.36 for 2003 taxes; Antonio & Susan Fernandez – 1506 Montana.  
**(District 8)**
- 9B. PID #C882-999-0020-4100, \$609.72 per month installments on a balance of \$7,316.64 for 2002 & 2003 Taxes; David & Margarita C. Trimble – 5336 Country Oaks Dr. **(District 1)**

- 9C.** PID #A486-000-0030-0140, \$487.02 per month installments on a balance of \$2,922.12 for 2000, 2001, 2002, 2003 & 2004 taxes; - Jose A. & Beatriz Baray – 11900 Kings Crest. **(District 5)**

**10. APPLICATIONS FOR TAX REFUND:** [Tax Office, Juan Sandoval, (915) 541-4369]

- 10A.** First American Title in the amount of \$4,834.16 overpayment of 2004 taxes. (PID #C340-999-0830-2700)
- 10B.** Sierra Title Company in the amount of \$4,124.40 overpayment of 2004 taxes. (PID #C340-999-0920-3500)
- 10C.** Landamerica Lawyers Title of El Paso in the amount of \$5,723.11 overpayment of 2003 taxes. (PID #R601-999-0040-2600)
- 10D.** Willie and Fay Armstrong in the amount of \$3,783.61 overpayment of 2004 taxes. (PID #V897-999-0950-1100)

- 11.** Request that the City Council authorize an emergency procurement and that the Mayor or City Manager be authorized to sign a contract with Joe I. Salazar Drilling Co., Inc. in the amount of \$396,024.00 for the drilling of a water well at the El Paso International Airport Lone Star Golf Course for irrigation purposes (Contract No. 2005-097).

The existing well at the golf course has ceased to produce water and it is necessary to drill a new water well. Currently, due to the malfunction of the well, the only source of water for irrigation purposes is by use of a fire hydrant.

This procurement is necessary to preserve the public property of the Municipality and is exempt from the competitive bid requirements of Chapter 252 of the Local Government Code, as noted in Section 252.022, General Exemptions.

Department: Aviation  
 Funds available in: PAP0033- 41074-62620022-508027  
 Funding Source: Airport Land Sales Restricted Fund  
 Amount: \$396,024.00  
**District: 2**

[Purchasing Department, Barbara Crumley, (915) 541-4315]

**12. CHANGE ORDERS - PURCHASING:**

- 12A.** Contract No.: 2003-146      Mast Arm Poles  
    Reliapole Solutions, Inc.  
    Tomball, Texas

The Street Department & Purchasing Department request approval of change order to Reliapole Solutions, Inc. for Mast Arm Poles for an increase amount of \$16,601.67 (22.19 % of original awarded contract amount).

Department: Street Department  
 Funds Available: 32010287-503203-01101  
 Funding Source: Street General Operating Funds

Total Change Order: \$16,601.67

**District(s): All**

[Purchasing Department, Jesus M. Juarez, (915) 541-4317]

- 12B.** Approve Change Order No. Seven (Construction Change) to Samcorp General Contractors for Contract No. 2004-045, New Marty Robbins Recreation Center and Pool Enclosure project for an increased amount of \$68,049.94. Change Order also adds twenty-one (21) days to the contract time. The purpose of this change order is to install sod on the four existing baseball fields, per Parks and Recreation Department request.

[Purchasing Department, Byron Johnson, (915) 541-4308]

**13. BEST VALUE PROCUREMENT:**

This contract shall be awarded to the bidder who provides the best value to the City. The City may consider price and other relevant criteria listed in the request for bids.

Solicitation No.: 2005-023      Fire Station #18 Renovation  
Contractor:                      P.R. Homes, Inc.  
    El Paso, Texas

Department:                      Fire Department  
Funds Available:                14200404-PBE04FI101-29158-508027  
Funding Source:                2004 Bond Election  
Items:                              Base Bid                \$260,777.00  
Total Award:                      \$260,777.00

**District (s): 7**

The Departments of Engineering and Fire recommend the award of this contract to P.R. Homes, Inc., as this Offeror has provided the Best Value Proposal. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

[Purchasing Department, Byron Johnson, (915) 541-4308]

**14. BIDS:**

If apparent low bidder is disqualified for any reason, City Council reserves the right to exercise any option legally available under the law by awarding bid to next lowest responsive and responsible bidder even though the bidder is not named on this agenda.

**14A.** Solicitation No.: 2005-051      Traffic Lamps  
Award to:                              Graybar Electric  
    El Paso, TX  
Item (s):                                All  
Amount:                                \$29,003.00 (yearly)

Department: Streets  
 Funds available: 32010288-01101-503203  
 Funding source: Operating Account Public Accesses-  
 Maintenance & Repairs  
 Total award: \$58,006.00  
**District (s): All**

Municipal Services, Traffic Division and Purchasing Department recommends award as indicated. Graybar Electric is the lowest responsive bidder that meets all requirements of the Solicitation. This is a twenty-four (24) month contract with the option to renew for one additional year.

[Purchasing Department, Ray Heredia, (915) 541-4316]

- 14B.** Solicitation No.: 2005-065 Household Hazardous Waste Disposal Services  
 Award to: EnviroSolve, LLC  
 Tulsa, OK  
 Item (s): All  
 Amount: \$200,000.00 (estimated yearly)
- Department: Solid Waste Management  
 Funds available: 34010296-40403-502204  
 Funding source: Outside Contracts  
 Total award: \$400,000.00 (estimated)  
**District (s): All**

Solid Waste Management Department and Purchasing Department recommends award as indicated. EnviroSolve, LLC, provided the lowest bid that meets all requirements of the Solicitation.

This is a twenty-four (24) month contract with the option to renew two (2) additional years on a month to month basis.

[Purchasing Department, Ray Heredia, (915) 541-4316]

**15. BUDGET TRANSFER:** [Office of Management and Budget, David Almonte, (915) 541-4011]

**BT2005-355 PARKS AND RECREATION**

This budget transfer recognizes actual revenues from Parkland Dedication fees and appropriate money to be used for Park construction within the same park zone as the development that generated the revenues. Parkland Dedication fees are paid by developers based upon City Ordinance.

Increase	\$ 1,159	to	51159242/P51800081216151/405072	Park Fees
Increase	\$ 1,159	to	51159242/P51800081216151/508004	Public Use
Increase	\$ 1,174	to	51159242/P51800082516164/405072	Park Fees
Increase	\$ 1,174	to	51159242/P51800082516164/508004	Public Use
Increase	\$ 956	to	51159242/P51800015916133/405072	Park Fees
Increase	\$ 956	to	51159242/P51800015916133/508004	Public Use
Increase	\$ 1,200	to	51159242/P51800081216151/405072	Park Fees
Increase	\$ 1,200	to	51159242/P51800081216151/508004	Public Use
Increase	\$ 773	to	51159242/P51800080916148/405072	Park Fees
Increase	\$ 773	to	51159242/P51800080916148/508004	Public Use
Increase	\$ 600	to	51159242/P51800086016200/405072	Park Fees



Increase	\$ 600	to	51159242/P51800086016200/508004	Public Use
Increase	\$ 900	to	51159242/P51800080916148/405072	Park Fees
Increase	\$ 900	to	51159242/P51800080916148/508004	Public Use
Increase	\$15,000	to	51159242/P51800015316127/405072	Park Fees
Increase	\$15,000	to	51159242/P51800015316127/508004	Public Use
Increase	\$ 3,300	to	51159242/P51800081416153/405072	Park Fees
Increase	\$ 3,300	to	51159242/P51800081416153/508004	Public Use

**16. APPLICATION FOR USE OF CITY PARKS/STREETS & SIDEWALKS:**

Permission to use public streets, sidewalks or parks for special events does not constitute endorsement by the City of El Paso of the contents of any expression that takes place during these events.

El Paso ACORN to hold a rally at Mundy Park (500 Porfirio Diaz) on January 13, 2005 from 9:00 a.m. to 2:00 p.m. Approximately 50 persons will take part with no spectators anticipated. This request includes permission to use amplification (1 bullhorn).

PERMIT NO. 05-001 [Jose Manuel Escobedo] **(District 8)**

### **REGULAR AGENDA**

**17. INTRODUCTION OF ORDINANCE PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:**

An Ordinance amending Title 18 (Building and Construction), by creating Chapter 18.18 (Outdoor Lighting Ordinance), of the El Paso City Code, the penalty being as provided in Section 18.02.107 of the El Paso City Code.

[Building Permits and Inspections, R. Alan Shubert, (915) 541-4557]

**PUBLIC HEARING WILL BE HELD ON JANUARY 25, 2005 FOR ITEM 17**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

**18. MAYOR AND COUNCIL:**

**18A.** Discussion and Action on approval of a Memorandum of Understanding to be submitted to the United States Bankruptcy Court in the Chapter 7 case of Cumbre Development Corp., Case No. 02-32345, in support of Trustee's Motion to Sell Property Free and Clear of Liens Pursuant to 11 U.S.C. Sec. 363 to First National Bank. **(District 1)** [Representative Susan Austin, (915) 541-4886]

**18B.** Discussion and action regarding the City's follow-up on the continued illegal dumping and lack of maintenance on the properties located at 7204 1/2, 7208, 7210, 7212, 7214, 7216, 7218, 7220, 7222, 7224, 7226, and 7228 North Loop as previously presented to Council; and to direct the City Manager to remedy these properties immediately by notifying the owner to correct the violations that present a fire and safety hazard within thirty days, or will be repaired or demolished by the City of El Paso, through the appropriate City departments and application of all appropriate ordinances that all citizens of the City of El Paso are required to adhere to. [Representative Jose Alexandro Lozano, (915) 541-4515]

**18C.** Discussion and action to surface-paint the designated Glengarry Street Parking on both sides of Glengarry between McRae and Darlina for the purpose of providing this as a traffic calming device, and to direct the City Manager to instruct the appropriate City departments to commence this project within the next 30 days. [Representative Jose Alexandro Lozano, (915) 541-4515]

**19. BUDGET TRANSFER:** [Office of Management and Budget, David Almonte, (915) 541-4011]

**BT2005-390 AIRPORT**

Transfer of funds to set up funding for the Lone Star Golf Course replacement well construction.

Increase	\$ 50,000	to	62620022/PAP003341074/508016	Design(CWIP)
Increase	\$630,000	to	62620022/PAP003341074/508027	Construction
Increase	\$680,000	to	62620022/PAP003341074/407001	Intrfd Trf In
Increase	\$680,000	to	62620017/40107/407002	Est Rev
Increase	\$680,000	to	62620017/40107/507001	Intrfd Trf Out

**20. CITY ATTORNEY:** [City Attorney's Office, James A. Martinez, (915) 541-4550]

Discussion and action regarding the following cases and request by Senator Eliot Shapleigh to have the City's attorneys and/or staff conduct a personal briefing for him regarding the status of the following cases and the City's plans for same:

*Asarco v. TCEQ v. City of El Paso*, In the 261st District Court, Travis County, Texas; Cause No. GN401709

ASARCO Incorporated Air Quality Permit No. 20345; TCEQ, Docket No. 2004-0049-AIR

**21. BIDS – PURCHASING:**

If apparent low bidder is disqualified for any reason, City Council reserves the right to exercise any option legally available under the law by awarding bid to next lowest responsive and responsible bidder even though the bidder is not named on this agenda.

**21A.** Solicitation No.: 2005-010 Edgemere Boulevard Extension Improvements  
Award to: J. A. R. Concrete, Inc.  
El Paso, TX

Department:	Streets
Funds available:	31260001-PPWST03022-60633-508027
Funding source:	FY03 Certificates of Obligation
Items:	Base Bid I \$1,415,698.52
	Base Bid IA \$ 4,404.25

Base Bid II	\$	67,367.08
Base Bid III	\$	27,954.90

Total award:	\$1,515,424.75
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<b>District (s):</b>	<b>5</b>
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The Departments of Engineering and Streets recommend the award of this contract to J. A. R. Concrete, Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

### 1. Lump Sum Component

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

### 2. Unit Price Component

Work under the unit price component is only an estimated value and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term. [Purchasing Department, Barbara Crumley, (915) 541-4315]

<b>21B.</b>	Solicitation No.: 2005-050	El Paso International Airport Golf Course
	Contractor:	Golf Works, Inc. Austin, Texas
	Department:	Department of Aviation
	Funds Available:	62620026-PAP0023-41063-508027
	Funding Source:	Airport Revenue
	Items:	Base Bid \$9,426,310.55 and Alternate No. 18 \$ 25,000.00
	Total Award:	\$9,451,310.55
	<b>District (s):</b>	<b>2</b>

The Departments of Engineering and Aviation recommend the award of this contract to Golf Works, Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

Work under the unit price component is only an estimated value and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term. [Purchasing Department, Barbara Crumley, (915) 541-4315]

**22. PUBLIC HEARINGS – PLANNING, RESEARCH AND DEVELOPMENT:**

- 22A.** An Ordinance changing the zoning of A Portion of Lots 11 and 12 and all of lots 13 through 20, Fractional Block 28, Alexander Addition, El Paso, El Paso County, Texas from R-4 (Residential) to A-O (Apartment/Office). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Dr. Nicholas Rich. ZON04-00103 **(District 1)**  
[Planning, Research and Development, Jorge Rousselin, (915) 541-4723]
- 22B.** An Ordinance changing the zoning of Tract 146, North Valumbrosa Subdivision No. 2, El Paso, El Paso County, Texas from R-4 (Residential) to R-5 (Residential). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: David Munoz. ZON04-00137 **(District 6)**  
[Planning, Research and Development, Jorge Rousselin, (915) 541-4723]
- 22C.** An Ordinance granting Special Permit No. ZON04-00141, to allow for infill development on A Portion of Tract 17C, Lot 17, El Canutillo Acreage Lots, El Paso, El Paso County, Texas, pursuant to Section 20.14.040 (Zoning) of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Miguel Hernandez. **(District 1)**  
[Planning, Research and Development, Jorge Rousselin, (915) 541-4723]

**23. CITY MANAGER:**

City Manager's report of current events and issues:

- a. Pilot curbside recycling program and discussion with Council
- b. Notice of upcoming meetings and events to take place in the City

- 24.** The City Council of the City of El Paso will retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss and take action on any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.)

Section 551.071 CONSULTATION WITH ATTORNEY

Section 551.072 DELIBERATION REGARDING REAL PROPERTY

Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS

Section 551.074 PERSONNEL MATTERS

Section 551.076 DELIBERATION REGARDING SECURITY DEVICES

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- 24A.** ASARCO Particulate Reduction Contract Enforcement. (551.071)  
[City Attorney's Office, James A. Martinez, (915) 541-4550]
- 24B.** *Asarco v. TCEQ v. City of El Paso*, In the 261st District Court, Travis County, Texas; Cause No. GN401709. (551.071)  
[City Attorney's Office, James A. Martinez, (915) 541-4550]
- 24C.** ASARCO Incorporated Air Quality Permit No. 20345; TCEQ, Docket No. 2004-0049-AIR. (551.071) [City Attorney's Office, James A. Martinez, (915) 541-4550]

**24D.** Rolando Parra, Juan Aragon, Enrique Aragon Romero, Manuel Aragon, Guadalupe Aragon and Josefina Aragon vs. Officer C. Jones, Officer D. Medina, Officer O'Connor, Officer Mendoza, Officer Mendez, Officer Corral, K-9(7), Sgt. Gaither and The City of El Paso, Texas; *Cause No. EP-04-CA-0420-DB in the United States District Court for the Western District of Texas.* (551.071)  
[City Attorney's Office, James A. Martinez, (915) 541-4550]

**24E.** Discussion, deliberation, and action on economic development-related negotiations with a business prospect and the possible offer of financial or other incentives to the business prospect. (551.087)  
[City Attorney's Office, John Nance, (915) 541-4550]

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**BY: \_\_\_\_\_**